

The Yale Law Journal

Volume 84, Number 5, April 1975

Foreword

Nicholas deB. Katzenbach[†]

In dedicating this issue of the *Journal* to Myres Smith McDougal the Editors pay tribute to a great teacher and scholar whose influence today extends throughout the world. How great a teacher some of the Editors, past and present, will know, and others perhaps dispute. How great a scholar, perhaps none of us can yet fully appreciate.

Mac's scholarship is untouched by modesty. In mid-career he perceived with others the inadequate, out-moded and intellectually barren foundations of international law. In contrast to others—who were content to demonstrate its shortcomings, or, even worse, the shortcomings of states in flaunting traditional doctrine, or, like Dean Acheson, to deny the existence of international law as "law"—Mac set about the prodigious work of providing a wholly new analytical framework for viewing and assessing the totality of international behavior. On that framework he and his associates have hung thousands upon thousands of pages of careful scholarship to the amazement, and envy, of scholars throughout the world.

What Mac faced when he embarked on his conquest of international law was an extremely rigid system which could be analyzed only in terms of the roles of states and their use of formal doctrine, mostly derived from 19th century learning and experience. Mac perceived that this system did not permit analysis of the roles clearly being played by many other formal and informal participants in the process. What was needed was a broader vision which would encompass all the many roles, encourage their description and permit their analysis.

To open up the closed system Mac simply suggested that "law"—national or international—is part of the process through which societies organize and pursue human values, and should be studied and understood as such a process. If that idea does not sound very revolutionary

[†] Member, Connecticut, New Jersey and New York Bars.

today, it is one evidence of Mac's tremendous impact on our thinking.

I do not suggest that Mac was alone in opening up our jurisprudence. But he was very alone in doing so in an international context. His methodology both permitted and forced academics and statesmen to think about old problems in new and creative ways which sought to assess the consequences of what was demanded and what was decided. The Law of the Seas moved from territorial analysis in terms of "territorial waters" vs. "high seas" into functional analysis of the various demands to be accommodated. The Use of Force ceased to be viewed as "war" or "peace" or "aggression" or "self-defense" and became a spectrum of violence and threat which came closer to reality. And so forth.

At times the very weight of his writing and scope of his analyses have led lesser minds to use the weapons of ridicule. His "basic human values" are obviously abstractions of a high level. The phrase "policy science" can turn off those who know that the frailties of man's intellect and character make law-government something less than "science."

But that is not the point. What Mac is demanding of academics and of scholars is that, to the maximum of their abilities, they make rational analyses of decisions—that they understand that all law is a process which can be molded to its purpose of meeting the needs and aspirations of people.

Mac did not conquer the field in one swift preemptive attack. No one, of course, could. Nor is it Mac's style to infiltrate the enemy camp and use the ambivalences of academic diplomacy to gain academic stature. His was a frontal attack—almost totally critical of what existed. But it was also more than that. Unlike many scholars, Mac has never destroyed for the pure joy of destruction. Always the destruction has been a necessary part of the building process, the creation of something new, more attuned to reality and to the needs of people as viewed by the dispassionate scholar (and, I would insist, the compassionate man).

Unquestionably, Mac's experience as teacher and scholar in the law of real property and future interests stood him in good stead in moving into international law. There he had converted the encrusted doctrines of the common law into the exciting frontiers of land use planning. So, too, with international law. What is "law" all about? Who is trying to do what to whom? What is the process through

Foreword

which decisions are made, with what consequences, to whom? And those questions I can footnote—to my own (sparse) notes in *Real Property I*. These were not Socratic questions for students. These were the questions Mac put to himself—far more vigorously than he put them to students—and to which he has sought to suggest answers. But it is the questions, always, which are the mark of scholarship; the answers must necessarily be tentative, however convinced the response.

One should not write about Myres McDougal without mention of Harold Lasswell and what I believe to be one of the most curious and most productive collaborations in modern scholarship. Both men have in common the intellectual drive to broaden perspective, to bring new insights to bear on old problems, to seek to understand the social processes more deeply and more totally than traditional disciplines permit or even encourage. But beyond those generalities, I have never understood how two such different personalities and different predispositions could so productively collaborate. There is no question, however, that each stimulated the other, and that each contributed in a major way to the joint jurisprudence they authored.

At the outset I said that I doubted an assessment of Mac's contribution to international law was yet possible. In part, this hedge is because I believe and hope Mac's contribution is by no means finished. My guess—and that is all it is—would be that Mac's influence to date consists more in freeing participants from the rules of the past than in influencing the decisions of the present. But that may be unfair. After all, providing a respectable intellectual basis for rejecting outmoded doctrine necessarily forces one to provide some new rationale, at least if one is conscious that one is both making a decision and influencing a far broader decisionmaking process. The decisionmaker may not employ Mac's theories, but increasingly, I believe, the critics will. So, over time, the impact will build, at what pace no one can predict. And the timeliness of so much of what Mac has written—for example, the rethinking of war and violence—is bound to speed the process.

Perhaps one illustration is appropriate. Mac's first foray into the international arena was his article (with Asher Lans) on executive agreements*—more a constitutional than an international law question. The impact of that particular article was the dream of every academic—complete, determinative, lasting. Rarely has one article so totally captured the field.

* McDougal & Lans, *Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy* (pts. I, II), 54 *YALE L.J.* 181, 534 (1945).

What Mac has done is to open up the closed doctrinal system to new perspectives, to new ideas. What he has written has been influential in affecting the decisionmaking process he talks about, most clearly in the law of the sea and the law of space. He has forced by sheer intellect (helped by judiciously placed students and graduate students throughout the world) new ways of thinking about and coping with the international lawmaking process. His writings have enabled many people in many situations to suggest solutions to problems—solutions which, under older approaches, would have had little respectability. That is an enormous accomplishment, for which he deserves, but may not always get, the lion's share of credit.

A word about McDougal, the teacher, and McDougal, the man.

Mac has never suffered fools gladly, and he has found life too short, too stimulating, too important to rehearse for the pedestrian mind the rituals of legal learning. He has always taught for those who wanted a glimpse of the future; and he has sought consciously to use the best student minds he could attract.

As a consequence, there are hundreds of students who have graduated from Yale untouched by a great intellect and an extraordinarily warm and generous personality. That is their loss. There are others for whom their contact with—their “adoption” by—Myres McDougal has been the greatest intellectual experience of their lives.

Those who have experienced the intensity of Mac's intellect and friendship have felt his hand upon their shoulders throughout their lives—encouraging, supporting, pushing them toward as much excellence as they could achieve—and a little more.

In dedicating this issue of the *Law Journal* to Myres McDougal the Editors speak for many of their predecessors over some four decades. I have no doubt that, as always, they speak also for themselves.

Writings of Myres S. McDougal

Books

- THE INTERPRETATION OF AGREEMENTS AND WORLD PUBLIC ORDER (1967) (with H. LASSWELL & J. MILLER).
LAW AND PUBLIC ORDER IN SPACE (1963) (with H. LASSWELL & I. VLASIC).
THE PUBLIC ORDER OF THE OCEANS: A CONTEMPORARY INTERNATIONAL LAW OF THE SEA (1962) (with W. BURKE).
LAW AND MINIMUM WORLD PUBLIC ORDER: THE LEGAL REGULATION OF INTERNATIONAL COERCION (1961) (with F. FELICIANO).
STUDIES IN WORLD PUBLIC ORDER (1960) (with associates). PROPERTY, WEALTH, LAND: ALLOCATION, PLANNING AND DEVELOPMENT (1948) (with D. HABER).
DIRECTIVE COMM. ON REGIONAL PLANNING, THE CASE FOR REGIONAL PLANNING WITH SPECIAL REFERENCE TO NEW ENGLAND (1947) (Chairman of the Comm., with M. Rotival).
MUNICIPAL LAND POLICY AND CONTROL (Practicing Law Inst. 1946).

Articles

- Planning and Development for Metropolitan Communities*, in AMERICAN PLANNING AND CIVIC ANNUAL 94 (1950).
The Emerging Customary Law of Space, in CONF. PROC. ON LAW OF SPACE AND SATELLITES 2 (1963).
Law and Public Order in Space, in CONF. PROC. ON SPACE SCIENCE & SPACE LAW 151 (Univ. of Okla., M. Schwartz ed. 1963).
The World Constitutive Process of Authoritative Decision, in THE FUTURE OF THE INTERNATIONAL LEGAL ORDER 73 (C. Black & R. Falk eds. 1969) (with H. Lasswell & W.M. Reisman).
Aims and Objectives of Legal Education, in HANDBOOK OF THE ASS'N OF AM. LAW SCHOOLS 125 (1945).
Policy-Making as the Center of Emphasis, in HANDBOOK OF THE ASS'N OF AM. LAW SCHOOLS 47 (1943).
Summary and Criticism of Answers to Question 8 of the Property Questionnaire (Report of Subcomm. on Property, Comm. on Curriculum), in HANDBOOK OF THE ASS'N OF AM. LAW SCHOOLS 268 (1941).
Statement on National Foundation for Social Sciences, in *Hearings on S. 836 Before the Subcomm. on Government Research of the Senate Comm. on Government Operations*, 90th Cong., 1st Sess. 508 (1967).
International Law and the Law of the Sea, in THE LAW OF THE SEA 3 (L. Alexander ed. 1967).
The Objectives of Professional Training in Community Interest, in S.K. AGRAWALA, LEGAL EDUCATION IN INDIA: PROBLEMS AND PERSPECTIVES 62 (1973).
The Impact of the Metropolis Upon Land Law, in THE METROPOLIS IN MODERN LIFE 212 (R. Fisher ed. 1955).
Legal Education for a Free Society: Our Collective Responsibility, in POLITICS, PERSONALITY AND SOCIAL SCIENCE IN THE TWENTIETH CENTURY 383 (A. Rogow ed. 1969).
Act of State in Policy Perspective: The International Law of an International Economy, in PRIVATE INVESTORS ABROAD—STRUCTURES AND SAFEGUARDS (Southwestern Legal Fdn., V. Cameron ed. 1966).
Legal Questions, in THE PROBLEM OF THE CITIES AND TOWNS: REP. OF CONF. ON URBANISM 42 (Harvard Univ. 1942) (outline of talk).
The Treaty-Making Power, in PROC. AM. BRANCH, INT'L LAW ASS'N 13 (1952) (also in *Hearings on S.J. 130 Before a Subcomm. of the Senate Comm. on the Judiciary*, 82d Cong., 2d Sess. (1952)).
Legal Education for a Free Society: Our Collective Responsibility, 1966 PROC. ASS'N OF AM. LAW SCHOOLS, pt. II, at 33 (presidential address).
International Law and Contending World Orders, 34 PROC. OF INST. OF WORLD AFFAIRS 11 (1948) (pub. 1960).
Legal Bases for Securing the Earth-Space Environment, in PROC. INT'L JOINT CONF. OF AM. GEOG. SOC. & AM. DIV. OF WORLD ACAD. OF ART & SCIENCE (1970).
Commentary upon "Prospects for Agreement, the Law of the Sea: a New Geneva Conference," PROC. OF SIXTH ANN. CONF. OF LAW OF THE SEA INST. 50-51, 68-69, 118-19, 179-83, 201-02 (Univ. of R.I. 1971).

- The Treaty Power and the Constitution: The Case Against Amendment*, 40 A.B.A.J. 203 (1954) (with B. MacChesney, R. Mathews, C. Oliver & F. Ribble).
- International Law and Social Science: A Mild Plea in Avoidance*, 66 AM. J. INT'L L. 77 (1972).
- Human Rights and World Public Order: A Framework for Policy-Oriented Inquiry*, 63 AM. J. INT'L L. 237 (1969) (with H. Lasswell & L. Chen).
- Statement upon Interpretation, the Vienna Conference on the Law of Treaties*, 62 AM. J. INT'L L. 1021 (1968).
- Rhodesia and the United Nations: The Lawfulness of International Concern*, 62 AM. J. INT'L L. 1 (1968) (with W.M. Reisman).
- The International Law Commission's Draft Articles upon Interpretation: Textuality Revivus*, 61 AM. J. INT'L L. 992 (1967).
- Chinese Participation in the United Nations: The Legal Imperatives of a Negotiated Solution*, 60 AM. J. INT'L L. 671 (1966) (with R. Goodman).
- Human Rights in the United Nations*, 58 AM. J. INT'L L. 603 (1964). *Soviet-Cuba Quarantine and Self-Defense*, 57 AM. J. INT'L L. 597 (1963).
- A Footnote*, 57 AM. J. INT'L L. 383 (1963).
- Maintenance of Public Order at Sea and Nationality of Ships*, 54 AM. J. INT'L L. 25 (1960) (with W. Burke & I. Vlasic).
- The Identification and Appraisal of Diverse Systems of Public Order*, 53 AM. J. INT'L L. 1 (1959) (with H. Lasswell).
- Perspectives for a Law of Outer Space*, 52 AM. J. INT'L L. 407 (1958) (with L. Lipson).
- The Initiation of Coercion: A Multi-Temporal Analysis*, 52 AM. J. INT'L L. 241 (1958) (with F. Feliciano).
- Artificial Satellites: A Modest Proposal*, 51 AM. J. INT'L L. 74 (1957).
- The Realist Theory in Pyrrhic Victory*, 49 AM. J. INT'L L. 376 (1955).
- The Hydrogen Bomb Tests and the International Law of the Sea*, 49 AM. J. INT'L L. 356 (1955).
- Peace and War: Factual Continuum with Multiple Legal Consequences*, 49 AM. J. INT'L L. 63 (1955).
- Dr. Schwarzenberger's Power Politics*, 47 AM. J. INT'L L. 115 (1953).
- Law and Power*, 46 AM. J. INT'L L. 102 (1952).
- Conflicting Approaches to the Control and Exploitation of the Oceans*, 65 AM. SOC'Y INT'L L. PROC. 107, 141-43 (1971) (with J. Stevenson, C. Olmstead, A. Beesley, B. Oxman, L. Goldie & L. Ratiner) (panel).
- Treaty Interpretation: The Proper Role of an Impartial Tribunal*, 63 AM. SOC'Y INT'L L. PROC. 108, 131-33, 138-39 (1969) (with C. Oliver, L. Gross, G. Gottlieb, M. Barkum & A. D'Amato) (panel).
- Panel: Enforcing International Law Against One Country Through Domestic Litigation in Others*, 58 AM. SOC'Y INT'L L. PROC. 33, 48-53 (1964) (with W. Reese, J. Laylin & E. Re).
- Panel: Fundamental Challenges to Legal Doctrines Affecting International Coercion: Aggression, Self-Defense, Non-Intervention, Self-Determination, Neutrality*, 57 AM. SOC'Y INT'L L. PROC. 147, 163-69 (1963) (with M. Katz, L. Henken, E. Debevoise & C. Spofford).
- Perspectives for an International Law of Human Dignity*, 53 AM. SOC'Y INT'L L. PROC. 107 (1959).
- Remarks on Human Rights*, 43 AM. SOC'Y INT'L L. PROC. 65-68, 83-85 (1949).
- The Codification of International Law*, 41 AM. SOC'Y INT'L L. PROC. 47 (1947).
- Municipal Land Policy and Control*, 242 ANNALS 88 (1945). *Legal Bases for Securing the Integrity of the Earth-Space Environment*, 184 ANNALS OF N.Y. ACAD. OF SCIENCES 375 (1971).
- Reflections of a Fellow Teacher*, 17 CATH. U.L. REV. 291 (1968).
- 1966-1967 Issues in Legal Education (A Survey)*, 16 CLEV.-MAR. L. REV. 1 (1967) (short answers to six questions).
- Current Controversies About Legal Education (A Survey)*, 8 CLEV.-MAR. L. REV. 199 (1959) (short answers to ten questions).
- The Changing Structure of International Law: Unchanging Theory for Inquiry*, 65 COLUM. L. REV. 810 (1965) (with W.M. Reisman).
- Argument in Favor of the Constitutionality of the Pepper Bill*, 21 CONG. DIG. 272 (1942) (with M.T. Van Hecke).
- The Community Interest in a Narrow Territorial Sea: Inclusive versus Exclusive Competence over the Oceans*, 45 CORNELL L.Q. 171 (1960) (with W. Burke).
- The Law of the High Seas in Time of Peace*, 3 DEN. J. INT'L L. & POL'Y 45 (1973).
- Bankruptcy*, in 3 ENCYCLOPEDIA BRITANNICA 100 (14th rev. ed. 1936) (with W. Douglas).
- Trends in Theories about Law: Comprehensiveness in Conceptions of Constitutive Process*, 41 GEO. WASH. L. REV. 1 (1972) (with H. Lasswell).

Writings of Myres S. McDougal

- The Teaching of International Law*, 2 GA. J. INT'L & COMP. L., Supp. 2, at 111 (1972).
Jurisprudence for a Free Society, 1 GA. L. REV. 1 (1966).
Future Interests Restated: Tradition versus Clarification and Reform, 55 HARV. L. REV. 1077 (1942).
Response by Professors McDougal and Reisman, 3 INT'L LAW. 438 (1969).
A Reply to Dean Acheson, 2 INT'L LAW. 729 (1968).
Foreword: Sanctions in Context, 49 IOWA L. REV. 229 (1964).
Foreword to Regional Planning and Development: The Process of Using Intelligence, Under Conditions of Resource and Institutional Interdependence, for Securing Community Values, 32 IOWA L. REV. 193 (1947).
Some Basic Theoretical Concepts about International Law: A Policy-Oriented Framework of Inquiry, 4 J. CONFLICT RESOLUTION 337 (1960).
The World Constitutive Process of Authoritative Decision, 19 J. LEGAL ED. 19 (1967).
The Influence of the Metropolis on Concepts, Rules and Institutions Relating to Property, 4 J. PUB. L. 93 (1955).
The Protection of the Environment and World Public Order: Some Recent Developments, 45 MISS. L.J. 1085 (1974) (with J. Schneider).
The Role of Law in World Politics, 20 MISS. L.J. 253 (1949).
Law as a Process of Decision: A Policy Oriented Approach to Legal Study, 1 NAT. L.F. 53 (1956).
Revision of the Geneva Conventions on the Law of the Sea—The Views of a Commentator, NAT. RESOURCES LAW., July 1968, at 19.
Authority to Use Force on the High Seas, 20 NAVAL WAR COLLEGE REV. 19 (1967).
Jurisdiction, 9 NAVAL WAR COLLEGE REV. 1 (1957).
A Regional Development Administration, NEW ENG. WAR BULL., June-July 1945, at 14.
The Emerging Customary Law of Space, 58 NW. U.L. REV. 618 (1963).
Community Prohibitions of International Coercion and Sanctioning Processes: The Technique of World Public Order, 35 PHILIPPINE L.J. 1256 (1960) (with F. Feliciano).
The Role of the Law School in Continuing Legal Education—Part II, PRAC. LAW., Oct. 1967, at 6 (with W.E. Sell, R. Malone, P. Coogan, F. Stumpf & H. Wechsler) ("round table").
International Law, Power, and Policy: A Contemporary Conception, 82 RECUEIL DES COURS 137 (Hague Acad. of Int'l Law, 1953) (with separate printing).
El Derecho Internacional Como Ciencia Política, 3 REVISTA DE DERECHO Y CIENCIAS SOCIALES 142 (1956).
The Impact of International Law upon National Laws: A Policy-oriented Perspective, 4 S.D.L. REV. 25 (1959).
Criteria for a Theory about Law, 44 S. CAL. L. REV. 362 (1971) (with H. Lasswell).
Education for Professional Responsibility, STUDENT LAW. J., Oct. 1966, at 6.
The Intelligence Function and World Public Order, 46 TEMP. L.Q. 365 (1973) (with H. Lasswell & W.M. Reisman).
Title Registration and Land Law Reform: A Reply, 8 U. CHI. L. REV. 63 (1940).
Jurisprudence in Policy Oriented Perspective, 19 U. FLA. L. REV. 486 (1967) (with H. Lasswell).
The Enjoyment and Acquisition of Resources in Outer Space, 111 U. PA. L. REV. 521 (1963).
The Genocide Convention and the Constitution, 3 VAND. L. REV. 683 (1950) (with R. Arens).
Human Rights and World Public Order: Principles of Content and Procedure for Clarifying General Community Policies, 14 VA. J. INT'L L. 387 (1974).
Theories about International Law: Prologue to a Configurative Jurisprudence, 8 VA. J. INT'L L. 188 (1968) (with H. Lasswell & W.M. Reisman).
In Dedication to Dean Dillard: Man of Depth and Style, 54 VA. L. REV. 585 (1968) (with H. Lasswell).
Nationality and Human Rights: The Protection of the Individual in External Arenas, 83 YALE L.J. 900 (1974) (with H. Lasswell & L. Chen).
Legal Regulation of Resort to International Coercion: Aggression and Self-Defense in Policy Perspective, 68 YALE L.J. 1057 (1959) (with F. Feliciano).
International Coercion and World Public Order: The General Principles of the Law of War, 67 YALE L.J. 771 (1958) (with F. Feliciano).
Crisis in the Law of the Sea: Community Perspectives versus National Egoism, 67 YALE L.J. 539 (1958) (with W. Burke).
The Hydrogen Bomb Tests in Perspective: Lawful Measures for Security, 64 YALE L.J. 648 (1955) (with N. Schlei).
The Comparative Study of Law for Policy Purposes: Value Clarification as an Instrument of Democratic World Order, 61 YALE L.J. 915 (1952) (also in 1 AM. J. COMP. L. 24 (1952)).

- The Veto and the Charter: An Interpretation for Survival*, 60 YALE L.J. 238 (1951) (with R. Gardner).
- The Rights of Man in the World Community: Constitutional Illusions versus Rational Action*, 59 YALE L.J. 60 (1949) (with G. Leighton) (also in 14 LAW & CONTEMP. PROB. 490 (1949)).
- The Law School of the Future: From Legal Realism to Policy Science in the World Community*, 56 YALE L.J. 1345 (1947).
- Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy* (parts I, II), 54 YALE L.J. 181, 534 (1945) (with A. Lans).
- Legal Education and Public Policy: Professional Training in the Public Interest*, 52 YALE L.J. 203 (1943) (with H. Lasswell).
- Public Purpose in Public Housing: An Anachronism Reburied*, 52 YALE L.J. 42 (1942) (with A. Mueller).
- Fuller v. The American Legal Realists: An Intervention*, 50 YALE L.J. 827 (1941).
- Land Title Transfer: A Regression*, 48 YALE L.J. 1125 (1949) (with J. Brabner-Smith).

Book Reviews

- 49 AM. J. INT'L L. 376 (1955), reviewing H. MORGENTHAU, *POLITICS AMONG NATIONS* (2d ed. 1954).
- 48 AM. J. INT'L L. 680 (1954), reviewing Q. WRIGHT, *PROBLEMS OF STABILITY AND PROGRESS IN INTERNATIONAL RELATIONS* (1953).
- 48 AM. J. INT'L L. 525 (1954), reviewing H. STONE, *STRUGGLE FOR POLAND* (1953).
- 48 AM. J. INT'L L. 335 (1954), reviewing M. KONVITZ, *CIVIL RIGHTS IN IMMIGRATION* (1953).
- 47 AM. J. INT'L L. 351 (1953), reviewing *FOUNDATIONS OF WORLD ORGANIZATION* (L. Bryson, L. Finkelstein, H. Lasswell & R. MacIver eds. 1952).
- 47 AM. J. INT'L L. 340 (1953), reviewing O. LISSITZYN, *THE INTERNATIONAL COURT OF JUSTICE* (1951).
- 45 AM. J. INT'L L. 399 (1952), reviewing S. SIMPSON & J. STONE, *CASES AND READINGS ON LAW AND SOCIETY* (1948-49).
- 54 HARV. L. REV. 526 (1941), reviewing W. EBENSTEIN, *THE LAW OF PUBLIC HOUSING* (1940).
- 34 ILL. L. REV. 109 (1939), reviewing J. HALL, *READINGS IN JURISPRUDENCE* (1938).
- 32 ILL. L. REV. 509 (1937), reviewing *RESTATEMENT OF PROPERTY* (1936).
- 27 ILL. L. REV. 580 (1933), reviewing C. EVERETT, *THE EDUCATION OF JEREMY BENTHAM* (1931).
- 27 ILL. L. REV. 469 (1932), reviewing C. TOOKE, *CASES ON MUNICIPAL CORPORATIONS* (1931).
- 5 U. CHI. L. REV. 702 (1938), reviewing S. CHASE, *THE TYRANNY OF WORDS* (1938).
- 87 U. PA. L. REV. 495 (1939), reviewing M. RADIN, *THE LAW AND MR. SMITH* (1938).
- 60 YALE L.J. 1051 (1951), reviewing H. LAUTERPACHT, *INTERNATIONAL LAW AND HUMAN RIGHTS* (1950).
- 58 YALE L.J. 500 (1949), reviewing C. CLARK, *REAL COVENANTS AND OTHER INTERESTS WHICH "RUN WITH LAND"* (1947).
- 50 YALE L.J. 827 (1941), reviewing L. FULLER, *LAW IN QUEST OF ITSELF* (1940).
- 49 YALE L.J. 1502 (1940), reviewing *RESTATEMENT OF TORTS*, vol. IV, div. 10, ch. 41 (1939).
- 48 YALE L.J. 1125 (1939), reviewing R. POWELL, *REGISTRATION OF THE TITLE TO LAND IN THE STATE OF NEW YORK* (1938) (with J. Brabner-Smith).
- 47 YALE L.J. 514 (1938), reviewing R. BROWN, *A TREATISE ON THE LAW OF PERSONAL PROPERTY* (1936).
- 46 YALE L.J. 1433 (1937), reviewing R. HUTCHINS, *THE HIGHER LEARNING IN AMERICA* (1936) and C. CLARK, *HIGHER LEARNING IN A DEMOCRACY* (1936).
- 46 YALE L.J. 1269 (1937), reviewing T. SMITH, *THE PROMISE OF AMERICAN POLITICS* (1936).
- 45 YALE L.J. 1159 (1936), reviewing J. HANNA, *CASES AND MATERIALS ON CREDITORS' RIGHTS* (1935).
- 45 YALE L.J. 1158 (1936), reviewing E. HOLBROOK & R. AIGLER, *CASES ON THE LAW OF BANKRUPTCY, INCLUDING THE LAW OF FRAUDULENT CONVEYANCES* (3d ed. T. Billig ed. 1936).
- 44 YALE L.J. 1278 (1935), reviewing W. WALSH, *A TREATISE ON MORTGAGES* (1934).

Briefs

- Brief for the Respondent, *Ex parte Quirin*, 317 U.S. 1 (1942) (of counsel to the United States with O. Cox, E. Treusch, G. Washington, R. Stevens & L. Cutler).
- Brief Amicus Curiae of Exec. Comm. of Am. Branch of Int'l Law Ass'n, *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398 (1964) (of counsel with P. Kooiman & C. Olmstead).